

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TERRY BLEDSOE,

Plaintiff,

VS.

DELTA OUTSOURCE GROUP, INC.,

Defendant.

Case No. 4:19cv3122 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to compel initial disclosures from defendant. Initial disclosures were due to be served on March 6, 2020. Plaintiff's attorney sent an email to defense counsel advising that "I also do not have your initial disclosure" on April 29, 2020, and he emailed again on May 4. Plaintiff states that defendant has not responded.

The Rules of Civil Procedure and this Court’s order [#16] required defendant to serve its initial disclosures on or before March 6. However, Rule 37(a)(1) requires that plaintiff’s motion to compel “include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Although plaintiff’s attorney sent defense counsel an email advising that he did not have defendant’s Rule 26 disclosures, this does not appear to satisfy Rule 37’s requirement. Thus, this Court can neither grant the order compelling defendant to comply, nor can the Court order

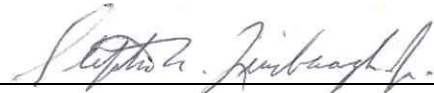
defendant to pay plaintiff's attorneys' fees. However, because defendant has not responded to the motion, the Court will order defendant to file a report with this Court advising as to whether or not he has yet served his initial disclosures within ten days.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [#19] is DENIED.

IT IS FURTHER ORDERED that defendant shall file a report to this Court within ten days regarding the status of its initial disclosures.

Dated this 26th day of May, 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE